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JUN 08 2005

**OFFICE OF PETITIONS**

In re Application of  
Michael Palumbo, John Baross, and Mark P.  
Evans  
Application No. 10/750,362  
Filed: December 31, 2003  
Attorney Docket No. ATT/2003-0254  
Title: METHOD AND SYSTEM FOR  
RECEIVING DIGITAL CONTENT USING A  
PREPAID DIGITAL CONTENT CARD

DECISION ON SECOND  
RENEWED PETITION

This is in response to the second renewed petition under 37 C.F.R. §1.47(a)<sup>1</sup>, filed May 20, 2005.

On December 31, 2003, the application was deposited, identifying Michael Palumbo, John Baross, and Mark P. Evans as joint inventors. The application was deposited without an oath or declaration. On April 27, 2004, a "Notice to File Missing Parts of Nonprovisional Application – Filing Date Granted" (Notice) was mailed, indicating that the basic filing fee, an executed oath

<sup>1</sup> A grantable petition under 37 C.F.R. §1.47(a) requires:

- (1) the petition fee of \$130;
- (2) a surcharge of either \$65 or \$130 if the petition is not filed at the time of filing the application, as set forth in 37 CFR § 1.16(e);
- (3) a statement of the last known address of the non-signing inventors;
- (4) either
  - a) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing inventor for review and proof that the non-signing inventor refuses to join in the application or
  - b) proof that the non-signing inventor cannot be found or reached after diligent effort;
- (5) a declaration which complies with 37 CFR §1.63.

or declaration, and a surcharge of \$130.00 were required. This Notice set a two-month period for reply.

Along with the original petition, Petitioner submitted the petition fee, the surcharge, the basic filing fee, and a four-month extension of time. Petitioner also included a declaration that has been executed by each of the joint inventors save inventor Baross. The original petition, submitted on October 29, 2004, was dismissed via the mailing of a decision on January 7, 2005, for failure to establish that a complete copy of the application was sent to the non-signing inventor.

The renewed petition was received on March 7, 2005, and was dismissed via the mailing of a decision on March 18, 2005 for failure to establish that a complete copy of the application was sent to the non-signing inventor.

With the present petition, it has been established that a complete copy of the application was sent to the non-signing inventor. As such, the petition under 37 C.F.R. §1.47(b) is **GRANTED**.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition, not the Declaration. Notice of the filing of this application will also be published in the Official Gazette.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.



**Paul Shanoski**  
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Office of Petitions  
United States Patent and Trademark Office